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6 UNITED STATES DISTRICT COURT  
7 NORTHERN DISTRICT OF CALIFORNIA  
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9 UNITED STATES OF AMERICA,

CR 07-30 SBA

10 Plaintiff,

11 v.

12 FERNANDO AGUILAR and  
13 GUSTAVO AGUILAR,

Defendants.

STIPULATION AND ORDER  
TO CONTINUE STATUS  
CONFERENCE AND MOTIONS  
Date: July 1, 2008  
Time: 11:00 a.m.

14 \_\_\_\_\_/  
15 THE PARTIES HEREBY STIPULATE AND AGREE that the status and  
16 motions hearing now set for the date and time indicated above,  
17 may be continued to 11:00 a.m. on July 29, 2008.

18 This continuance is predicated on the parties intention to  
19 participate in a second conference with Magistrate Brazil, which  
20 is not possible until July 24, 2008. This will allow the  
21 parties reasonable time to effectively prepare the case, and is  
22 in the interests of judicial economy as it may dispose of the  
23 case. Despite the exercise of due diligence by counsel to  
24 schedule a second conference prior to said date, counsel was  
25 informed that the first available date to meet with Magistrate  
26 Brazil for this conference was on July 24, 2008. This date was  
27 immediately reserved for said purpose, as the parties believe  
28 that the additional time requested will allow the parties

1 reasonable time to effectively prepare the case, and is in the  
2 interests of judicial economy.

3 IT IS STIPULATED that the period from July 1, 2008, to  
4 July 29, 2008, shall be excluded from the calculation of time in  
5 which the trial of the above-captioned matter must commence  
6 pursuant to the Speedy Trial Act, 18 U.S.C. section 3161(c).  
7 The parties stipulate that the time is excludable from the time  
8 limitations of the Speedy Trial Act because the interests of  
9 justice are served by granting a continuance.

10 This continuance will permit continuity of counsel, and  
11 allow the reasonable time necessary for effective preparation,  
12 taking into account the exercise of due diligence. 18 U.S.C.  
13 sections 3161(h)(8)(A) and (B)(iv).

14 Further, time is excluded pursuant to 18 U.S.C. sections  
15 3161(h)(1)(F) predicated upon defense motions still pending and  
16 under submission by the court, which excludes delay resulting  
17 from any pretrial motion from the filing of the motion through  
18 the conclusion of the hearing on or other prompt disposition of  
19 such motion.

20 For the foregoing reasons, the parties stipulate and agree  
21 that the ends of justice served by the continuance requested  
22 herein outweigh the best interests of the public and the defen-  
23 dant in a speedy trial because the failure to grant such a  
24 continuance would unreasonably deny the defendant continuity of  
25 counsel.

26 Dated: June 26, 2008

27 /s/ KIMBERLY BRIGGS  
28 KIMBERLY BRIGGS  
Assistant U.S. Attorney

/s/ SHARI L. WHITE  
SHARI L. WHITE  
Attorney for GUSTAVO AGUILAR

/s/ TONY SERRA  
TONY SERRA  
SARA ZALKIN  
Attorneys for FERNANDO AGUILAR

ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby finds:

8           That the period from July 1, 2008, to July 29, 2008, shall  
9 be excluded from the calculation of time in which the trial of  
10 the above-captioned matter must commence pursuant to the Speedy  
11 Trial Act, 18 U.S.C. section 3161(c);

12           That time is excluded pursuant to 18 U.S.C. sections  
13 3161(h)(1)(F) predicated upon defense motions still pending and  
14 under submission by the court, which excludes delay resulting  
15 from any pretrial motion from the filing of the motion through  
16 the conclusion of the hearing on or other prompt disposition of  
17 such motion;

18           Based on these findings, IT IS HEREBY ORDERED that the  
19 status and motions hearing be continued from 11:00 a.m. on  
20 July 1, 2008, to 11:00 a.m. on July 29, 2008, and that time is  
21 excluded under the Speedy Trial Act pursuant to 18 U.S.C.  
22 sections 3161(c) and 3161(h)(1)(F).

IT IS SO ORDERED.

25 Dated: June 27, 2008

MAXINE M. CHESNEY for  
Saundra Brown Armstrong  
United States District Judge